

2011 CRW 4222

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION
DISTRICT OF COLUMBIA
COMPLAINT

DCTN: 011032872
LKUP#: 14
Case #:


2011 DEC 24 A 10:33

District of Columbia ss:

Defendant's Name: Stephen Deon Barnes
(First) (MI) (Last) 585-408 11-180-751
(PDID) (CCNO)

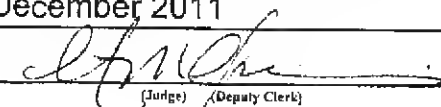
Address: M Street, N.W., Washington, D.C.

Stephen Deon Barnes, within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Stephen E. Way by shooting him with a firearm on or about December 10, 2011, thereby causing injuries from which Stephen E. Way died on or about December 10, 2011. (First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))


Affiant's Name

Subscribed and sworn to before me this 23 day of Dec

December 2011


(Judge) (Deputy Clerk)

WARRANT

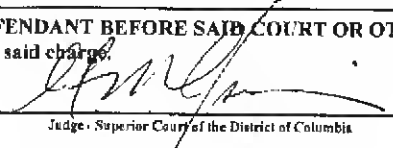
To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C.3041 forthwith to answer said charge.

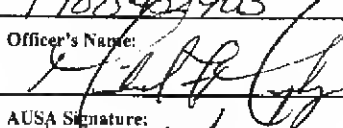
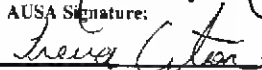
Issued

12/23/11


Judge, Superior Court of the District of Columbia

Rule 105: []

Judge

Sex: Male	DOB: 2/18/1989	CCN: 11-180-751	PDID: 585-408
Fingerprint Officer:			Badge No.: D21473
T10045903 OFFICER MUST EXECUTE RETURN			
Officer's Name:		Date / Time:	
		12/28/2011 1515	
AUSA Signature:		Fel. I Fel. II Fel. III	
		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Superior Court of the District of Columbia
CRIMINAL DIVISION

2011 CRW 4222

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

DEFENDANT'S NAME: Barnes, Stephen Deon				NICKNAME: Deon		ALIASES:		CCN: 11-180-751		PDID: 585-408			
SEX: Male	RACE: Black	DOB: 02/18/89	HGT: 6'1"	WGT: 175	EYES: Brown	HAIR: Black	COMPL: Medium	SCARS, MARKS, TATOOS					
DEFENDANT'S HOME ADDRESS: [REDACTED] M Street, Northwest, Washington, DC							TELEPHONE NUMBER: Unknown						
DEFENDANT'S BUSINESS ADDRESS: Unknown							TELEPHONE NUMBER: Unknown						
COMPLAINANT'S NAME: Stephon E. Way							TELEPHONE NUMBER: N/A						
LOCATION OF OFFENSE: 4501 Benning Road, Northeast, Washington, DC							DATE OF OFFENSE: December 10, 2011		TIME OF OFFENSE: 0355 Hours				
CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator. <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> x 00 = Armed and Dangerous x 05 = Violent Tendencies ___ 10 = Martial Arts Expert ___ 15 = Explosive Expertise ___ 20 = Known to abuse drugs ___ 25 = Escape Risk ___ 30 = Sexually Violent Predator ___ 50 = Heart Condition </td> <td style="width: 50%; vertical-align: top;"> ___ 55 = Alcoholic ___ 60 = Allergies ___ 65 = Epilepsy ___ 70 = Suicidal ___ 80 = Medication Required ___ 85 = Hemophiliac ___ 90 = Diabetic ___ 01 = Other </td> </tr> </table>												x 00 = Armed and Dangerous x 05 = Violent Tendencies ___ 10 = Martial Arts Expert ___ 15 = Explosive Expertise ___ 20 = Known to abuse drugs ___ 25 = Escape Risk ___ 30 = Sexually Violent Predator ___ 50 = Heart Condition	___ 55 = Alcoholic ___ 60 = Allergies ___ 65 = Epilepsy ___ 70 = Suicidal ___ 80 = Medication Required ___ 85 = Hemophiliac ___ 90 = Diabetic ___ 01 = Other
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GIVE BRIEF DESCRIPTION OF WHAT HAPPENED: <p>On Saturday, December 10, 2011, at approximately 0400 hrs, individuals drove to the Sixth District Metropolitan Police Department and reported that they were fired upon while at the Exxon Gas Station located at 4501 Benning Road, Northeast, Washington, DC. Inside the individuals' vehicle, Sixth District Officers found Decedent Stephon E. Way suffering from a gunshot wound to the head. Emergency Medical Services personnel responded to the Sixth District and transported the decedent to Prince George's County Hospital where he was pronounced dead at 0659 hours by Dr. Kahn of the medical staff. Subsequently, the decedent's remains were transported to the Office of The Chief Medical Examiner, Baltimore, Maryland pending autopsy.</p> <p>On Sunday, December 11, 2011, Doctor Mitchell Weinberg from the Office of The Chief Medical Examiner, Baltimore, Maryland, performed the an autopsy on the Decedent Stephon Way. Upon completion of the autopsy, Doctor Weinberg ruled the cause of death to be a single gunshot wound to the head and ruled the manner of death as homicide.</p> <p>A witness, hereafter known as Witness One, stated that on December 10, 2011, in the early morning hours, it observed a silver Ford Focus drive onto the Exxon gas station located at 4701 Benning Road, Northeast, Washington, DC. W-One observed the shooter exit the silver Ford. Witness One described the shooter 22-23 years old, 5'11-6'0 tall, medium complexion, dark brown eyes, thick eye brows, dusty brown shoulder length deadlocks styled in ponytail, a nicely groomed light beard and mustache, with a Bluetooth in his ear, wearing a lime-green jacket with gray sleeves, faded gray jeans, and gray/blue New Balance sneakers. Witness One stated that as soon as the suspect exited the Silver Ford, the decedent, who was a passenger in a car that was on the gas station lot, began talking to the suspect, as if the decedent was trying to instigate a response from him. Witness One further stated that the decedent stated to the suspect, What are you looking at. This Bitch motherfucker don't want no work, he don't want no smoke, or words to that effect. Witness One stated the suspect never said a word back, however; he walked over to the Silver Ford and went to the driver side door panel. The suspect then turned back and walked towards the car in which the decedent was seated and pulled from his waistband what it believed to be a Smith & Wesson handgun, black in color with tan handgrips with the letters S&W. The suspect pointed the gun at the decedent and fired a shot, striking the decedent in the head. Witness One stated it could identify the suspect if it observed him again.</p>													

N.C. Approved 11/23/11

Another witness, hereafter known as Witness Two, stated that IT was in the area at the time of the murder. According to Witness Two, IT observed when the suspect drove onto the Exxon gas station lot in a silver 4-door car and parked near the vehicle in which the decedent was a rear passenger. The suspect exited his car and as he walked to the gas station booth, the suspect looked or stared into the decedent's vehicle. The decedent asked others in the decedent's vehicle, what the fuck they keep looking in here for, or words to that effect. The suspect turned and looked again at the decedent's vehicle. Then, the decedent rolled down his window. According to Witness Two, IT did not hear any words exchanged between the decedent and the shooter. Someone in the decedent's car stated, he's drunk; it's not even worth all of that; and chill out, or words to that effect. Witness Two heard the decedent's car door open slightly. Shortly thereafter, the suspect shot at the decedent's vehicle, resulting in the decedent's vehicle fleeing the area. Witness Two described the suspect as a brown complexioned black male, 5'9-6'0 tall, goatee, dreadlocks in a ponytail, wearing red and black grayish jacket and blue jeans. Witness Two stated that IT never observed anyone in the decedent's vehicle, including the decedent, with a weapon.

A witness, hereafter known as Witness Three, stated that IT was in the area at the time of the murder. IT observed a silver car pull into the gas station. The suspect exited the silver car and walked to the gas station booth. Witness Three described the suspect as a light brown complexion black male, approximately 26 years old, 5'7-5'8, slim build approximately 168 lbs, with shoulder length dreadlock hairstyle pulled back into a ponytail, mustache with goatee, wearing a gray shirt, red jacket, light blue jeans, and a diamond earring in his ear. Witness Three also observed the decedent who was seated in a vehicle on the gas station lot. According to Witness Three, the decedent and the shooter exchanged words. A person associated with the decedent told the suspect, everything is alright and not to pay attention to the decedent, or words to that effect. The suspect then produced a black handgun from his waistband and pointed it toward the backseat and fired into the decedent's vehicle.

On Saturday, December 10, 2011, the Metropolitan Police Department's "Shot Spotter" recorded four gunshots in the area of Benning Road and East Capitol Street, Northeast on Saturday, December 10, 2011, at 03:55 hours.

Video footage was obtained from the License Plate Reader (LPR) located at East Capitol Street & Texas Avenue Southeast, Washington, DC for Saturday, December 10, 2011, which captured a 2011 Silver Ford Focus bearing Maryland Tags **3AM9245** being operated at 03:54 hours eastbound, and turning southbound into the 4500 block of Benning Road Northeast. The location of the LPR is within the same block of the Exxon gas station. Moreover, the vehicle is seen in the left lane of East Capitol Street, turning in the direction of the Exxon gas station. At approximately 03:55:58 hours, the D-DOT camera captures video footage of a silver vehicle leaving the gas station going westbound on East Capitol Street Northeast at a high rate of speed behind the vehicle which was occupied by the decedent. Based on the direction and time of travel, your Affiant submits the vehicle captured in the video is the same Silver Ford Focus that was driven by the suspect.

During the investigation, your affiant obtained information that the vehicle bearing Maryland Registration **3AM9245** was a rental car. Your affiant obtained a copy of the rental car agreement. The rental agreement provided contact information for the renter. A contact phone number for the renter was 202 [REDACTED]. A database search revealed that this number is a contact number for Stephen D. Barnes, Date of Birth: 02/18/1989.

On December 19, 2011, your affiant's investigation into the name of Stephen D. Barnes, Date of Birth: 02/18/1989 revealed a District of Columbia, Department of Motor Vehicles Drivers License and photograph. A criminal history check revealed an arrest photograph for Stephen Deon Barnes, Date of Birth: 02/18/1989; PDID#585-408. The characteristics and description of Stephen Deon Barnes matches or fits the previous description provided by the witnesses.

On Tuesday, December 20, 2011, Witness One was shown a Metropolitan Police Department Photo Array. The Photo Array contained nine photographs with one of them being Stephen Deon Barnes, Date of Birth: 02/18/1989; PDID#585-408. The remaining eight photographs are of persons with the same characteristics and hair style from Metropolitan Police Department data bases. After the introduction was read to Witness One, the photo array was shown to Witness One. Witness One pointed to photograph #7 of the array and stated, "This looks like him." Witness One further stated that the suspect looked like the person who fired shots. A follow up question was asked, Are you certain? The witness answered, "Yes, he looks a little rough in that picture." The photograph Witness One identified was of Stephen Deon Barnes, Date of Birth: 02/18/1989; PDID#585-408.

On Tuesday, December 20, 2011, Witness Three was shown a Metropolitan Police Department Photo Array. The Photo Array contains nine photographs with one of them being Stephen Deon Barnes, Date of Birth: 02/18/1989; PDID#585-408. The remaining eight photographs are of persons with the same characteristics and hair style from Metropolitan Police Department data bases. After the introduction was read to Witness Three, the photo array began and after few minutes passed and Witness Three stated the following, "the person looks more like him (pointing to photograph #6) But, that's not

NCIC Appended 12/23/11

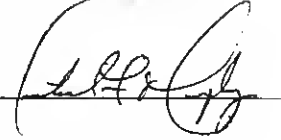
2011 CRW 4222

him. Witness Three stated the face of the shooter was thinner and further stated IT would know the shooter to see him in person.

A witness, who is hereafter known as Witness Four, stated that IT knows the listed renter of the silver Ford Focus. Witness Four stated that IT recently seen the renter with a silver vehicle. Witness Four stated that the renter has a boyfriend known to IT as Deon Barnes and that the two live together. Witness Four who has known Deon Barnes was shown a single confirmation photograph for viewing. The photograph was of Stephen Deon Barnes, Date of Birth: 02/18/1989; PDID#585-408. Witness Four viewed the photograph and immediately stated, "Yes, that is Deon."

Based upon the aforementioned facts, your affiant believes there is probable cause that the listed Defendant **Stephen Deon Barnes**, Date of Birth: 02/18/1989; PDID#585-408 committed the offense of homicide on December 10, 2011. Therefore it is respectfully requested, that an arrest warrant be issued for the Defendant **Stephen Deon Barnes**, Date of Birth: 02/18/1989; PDID#585-408, charging him with **First Degree Murder While Armed** in the homicide of Stephon E. Way.

AFFIANT'S SIGNATURE:

x 

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Stephon D. Barnes

Charge With: First Degree Murder w/Armed

 12/23/11
ASSISTANT UNITED STATES ATTORNEY

SUBSCRIBED AND SWORN BEFORE ME THIS

23 DAY OF Dec 20 11


(JUDGE/DEPUTY CLERK) SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA

Form CD(17)-1050

NCIC Approved

Revision Date: 11-29-06

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division-Felony Branch

UNITED STATES OF AMERICA :

V. :

STEPHEN DEON BARNES :

SUPPLEMENTAL GERNSTEIN

In addition to the affidavit in support of the above-captioned defendant's arrest warrant, which is incorporated herein, your affiant avers the following:

On Wednesday, December 28, 2011, deputies from the U.S. Marshals and Detectives from the Metropolitan Police Department went to the home of the defendant at [REDACTED] M Street, Northwest, Washington, D.C. in order to arrest defendant Stephen Deon Barnes and to execute a DC Superior Court Search Warrant at the address. As Marshal's approached the front door, they heard noises coming from the inside of the townhouse and saw someone look out the window. Inside, they found Stephen Deon Barnes and arrested him. While searching the residence, detectives found a .45 Caliber Sig Sauer pistol in a third floor bedroom. A photograph of this pistol is attached hereto as Exhibit A. The cartridge casings found at the scene of the murder were also .45 Calibers.

In Addition, in the bedroom of Stephen Deon Barnes, detectives found a STAr-15 5.56 millimeter assault rifle with a large capacity magazine capable of discharging 50 or more rounds of ammunition. A photograph of this rifle and a large capacity loaded magazine is attached hereto as Exhibit B.

Subscribed and sworn to before me this 29 day of Dec 2011


Detective Michael Murphy

D21473
Badge #

Homicide
District


Deputy Clerk